

AL MK  
**U.S. DISTRICT COURT**  
**District of Oregon Portland Division**

**Darryl Pickens**

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Portland, OR. 97203

Phone 503-283-9707

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**Case:3:10-CV-236**

( Amendment )

Plaintiff

VS.

**Eric Shinseki**

Secretary, US Department of Veterans Affairs

Defendant

FILED 10 MAY 4 11:45 PM 2010

**Request for New Qualified Pro-bono Council and an**  
**Extension of 120 Days to Confer With Same**

**The Honorable Judge John V. Acosta:**

I Darryl Pickens, do here-by re-submit, and officially request, that I be granted a new court appointed lawyer who is competent in civil rights matters, as well as, EEOC complaint law! I also request an extension of at least 120 days to confer with that lawyer! My civil rights were violated by Judge Amy Dunning and the M.S.P.B. Docket # SF-0752-09-0165-I-1. As well as, the EEOC in their rulings in all matters relevant I have named in this case. Furthermore, I present as an attachment, a copy of the contract given to me by court appointed council David H. Madden of Mersenne Law LLC. 1500 S.W. First Avenue, Suite 1170 Portland, Oregon 97201. Mr. Madden has told me of his lack of experience in such matters as Civil Rights litigation. He also told me, "I got tagged to represent you!" He seems to resent that fact! He says he wants to combine my two cases, (3:10-CV-236 and CV-90-704-KI). However, he cannot do that if he refuses or declines to represent me in all matters I have raised in this suite. (3:10-CV-236) Based on the fact that he has taken more than two weeks to even tell me if he agreed to help me, and chose to not except all my

discovery even up until this very day, I don't believe he is a willing participant in the matters that concern me in this case. Because this case is a pro-bono one, He (Mr. Madden), says there isn't enough money for an expert witness! (such as a new psych evaluation) which would show that I am the only person who received any suffrage in these matters, and that any alleged suffering by my co-workers occurred as a direct result of that suffering and were in fact "after the fact!" He, (Mr. Madden), has told me my case could be thrown out on a technicality. However, my case can also be thrown out if I don't follow the rules, or a lack of effort on the part of my attorney! I need help to follow the rules because I don't know them! I have been disadvantaged by the courts themselves. They have told me that my suffering isn't bad enough to complain about! Co-workers threatened my life, my walk is ruined, my neck and back are hurt, I can't sleep, I now am afraid of anyone who comes up behind me! All because the Portland VA Medical Center says this is expectable behavior by it's white employees doing them to black ones! I have been rendered homeless, and cannot afford to pay any legal fees that he Mr. Madden says may arise because Mr. Madden himself says he isn't competent in most matters in this case. He has clearly refused to help me in most all matters that concern me in this case 3:10-CV-236 and I therefore, can only perceive him to be somewhat insensitive to (me) a black man's need to be treated as an equal human being! This has been the case in my quests for justice in these matters thus far! In addition, he (Mr. Madden) has said that my jury would most likely be all white! This statement causes me great concern. It implies that this jury might very well be hand picked to be all white! If that is the case, then there is no Rule of Law! And if there is no Law, (I can't even hope to have a Truly Impartial Jury of My Peers in Portland, Oregon?) Judge Acosta, I in no way mean any disrespect to the court! I simply must respect myself as a human being who deserves to be treated the same as in the manner set forth in "Universal Declaration Of Human Rights"!

Respectfully,

Darryl Pickens



May 4, 2010

David H. Madden  
Mersenne Law LLC  
1500 S.W. First Avenue  
Suite 1170  
Portland, Oregon 97201

26 April 2010

Darryl Pickens  
c/o 8504 N. Woolsey Avenue  
Portland, Oregon 97203

 **COPY**

Dear Mr. Pickens:

We've discussed your complaints and actions against your previous employer, the Veterans Administration, over the past two weeks, and I am willing to assist you in pursuing some of your claims under the conditions set forth in this letter.

To begin, let me remind you that I am not an employment or civil-rights lawyer, and I do not have experience in this type of case. I am willing to help you because I was ordered to do so by the District Court. I will do my best, but I cannot say how strong your claims are, and I certainly can't guarantee that you will win. It is possible that your case will be dismissed on a technicality, or that the Court will rule against you before you have an opportunity to go to trial.

To my knowledge, you have at least two cases pending in Federal court: 09-CV-704 before Judge King, and 10-CV-236 before Judge Acosta. You also have two recently-terminated EEOC cases in which you have received the right to sue. As I understand it, all of these complaints and cases arise out of events that occurred while you were working at the VA.

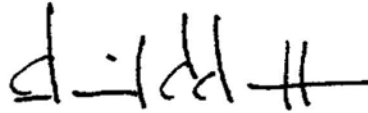
I was assigned to your 10-CV-236 case, but I believe your best approach is to consolidate all your causes of action into the '704 case before Judge King. If you agree to this letter, I will write to Judges Acosta and King to propose this. I will amend your complaint in '704 as necessary, send discovery requests to the VA and help you respond to their requests of you, and represent you in depositions, hearings and at trial.

The District Court's pro-bono program provides a small amount of money for costs and expenses in your case. I will perform the legal work required at no cost to you,



Once again, thank you for the opportunity to represent you in this matter. If you have any questions, please contact me at 503-679-1671 or by email at [dhm@mersenne.com](mailto:dhm@mersenne.com).

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Madden', with a stylized horizontal line extending from the end.

David Madden

I understand and agree to the arrangement described in this letter.

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Date

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Darryl Pickens

## **CERTIFICATE OF SERVICE**

**Case 3:10-CV-236  
Amended**

**I Darryl Pickens, hereby certify that on 5 / 4 / 2010 I served copies of An Amended Request for New Qualified Pro - Bono Council and Copy of David H. Madden's Contract! on the following parties by way of U.S. Mail Certified, and Hand Carry.**

**1. In the State Of Oregon: Office of the States  
Attorney:**

**Location: Mark O Hatfield Courthouse 6<sup>th</sup> floor, on  
third Avenue, Portland, Oregon.**

**2. Judge John V. Acosta: Presiding Judge case:3:10-cv-  
236 In the U.S. District Court (Portland division) also at  
the Mark O Hatfield Courthouse 2nd floor on third  
Avenue, Portland, Oregon.**

**3. Eric Holder U.S. Dept. Of Justice  
Office Of The Attorney General  
950 Pennsylvania Ave. NW Room 400  
Washington, D.C. 20530-0001**

**5 / 4 / 2010**

**Darryl Pickens**